

# **TRANSITION PLAN FOR PUBLIC RIGHTS-OF-WAY**

---

**Section 504 of the Rehabilitation Act  
of 1973 (29 USC 794(a))**

**Americans with Disabilities Act (ADA)  
Of 1990 (42 USC 12111)**

*Portland, Indiana*

**City of Portland, Indiana**

**July, 2018**

# TABLE OF CONTENTS

1. Introduction
2. Plan Development
  - A. ADA Coordinator
  - B. Grievance Procedure
  - C. Self-Evaluation
  - D. ADA Standards, Specifications, and Design Details
  - E. Implementation

Appendix A – Complaint Procedure

Appendix B – INDOT Standards for Curb, Curb Ramp, and Sidewalk Construction

Appendix C – Summary of the Inventory and Recommendations for Curb Ramps,  
Sidewalks, and Building Upgrades

Appendix D – ADA Resolution

# 1. Introduction

The Americans with Disabilities Act (ADA) was enacted on July 26, 1990 and later amended effective January 1, 2009. As written and implemented, the ADA provides comprehensive civil rights protections to persons with disabilities in the areas of employment, state and local government services, access to public accommodations, transportation, and telecommunications. The ADA is a companion civil rights legislation to the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. In order to be protected by the ADA, one must have a disability or have a relationship or association with an individual with a disability. An individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such impairment, or a person who is perceived by others as having such an impairment. The ADA, however, does not specifically name all of the impairments that are covered.

The ADA is divided into five sections covering the following topics:

Title I: Employment

Title II: Public Services (and Transportation)

Title III: Public Accommodations (and Commercial Facilities)

Title IV: Telecommunications

Title V: Miscellaneous Provisions

Title II, specifically prohibits state and local governments from discriminating against persons with disabilities or from excluding participation in or denying benefits of programs, services, or activities to persons with disabilities. It is under this title that this transition plan has been prepared. This transition plan is intended to outline the methods by which physical changes will be made to give effect to the non-discrimination policies described in Title II.

## **2. TRANSITION PLAN DEVELOPMENT**

To ensure program accessibility for people with disability in the community, the City of Portland has developed a Transition Plan, which is to be considered good practice. This Transition Plan for Public Rights-of-Way considers the following:

### **A. ADA COORDINATOR:**

Effective communication is essential to address all the complaints or concerns of all individuals. In order to keep the lines of communication open, and thereby ensuring effective communication between all parties, the City of Portland has designated the Street Superintendent as the ADA coordinator. The ADA Coordinator shall coordinate the Community's efforts to comply with and carry out its responsibilities under Title II of the ADA, including investigations of any complaint communicated to the ADA coordinator. Such complaints may take the form of alleging noncompliance with ADA mandates or alleging any actions that would be prohibited under the ADA. The City of Portland shall make available to all interested individuals the name, office address, and telephone number of the employee so designated and shall adopt and publish procedures for the prompt and equitable resolution of complaints. Every complaint must be directed in writing to the ADA Coordinator, in this case the Street Superintendent.

### **B. GRIEVANCE PROCEDURE:**

The Grievance Procedure established below is intended to adhere to the standards outlined in the ADA. The procedure must be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provisions of services, activities, programs, or benefits provided by the City of Portland.

The complaint should be in writing and contain grievant information such as name, address, phone number of complainant and location, date, and description of the problem about the alleged discrimination. Grievance Forms must be used to lodge a complaint, please make reference to Appendix A. Alternative means of filing complaints, such as personal interviews or recording of the complaint will be made available for persons with disabilities upon request. The complaint should be submitted by the grievant and/or their designee as soon as possible but no later than 180 calendar days after the alleged violation to:

Tom Leonhard  
215 S. Wayne St.  
Portland, IN 47371

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or their designee will meet with the grievant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, ADA Coordinator or his designee will respond in writing, and where appropriate, in a format accessible to the grievant, such as large print, Braille, or audio tape. The response will explain the position of the City of Portland and offer options for substantive resolution of the complaint.

If the response by ADA Coordinator or their designee does not satisfactorily resolve the issue, the grievant or their designee may appeal the decision within 15 calendar days after receipt of the response to the City Council. Within 15 calendar days after receipt of the appeal, the City Council will meet again with the grievant to discuss the appeal and possible resolutions. Within 15 calendar days after the meeting, the City Council will respond in writing, and, where appropriate, in a format described above that is accessible to the grievant, with a final resolution of the complaint.

All written complaints received by the ADA Coordinator or their designee, appeals to the Town Council, and responses from the ADA office will be retained by the City of Portland for at least three (3) years.

### **C. SELF EVALUATION**

The City of Portland has conducted an inventory of curb ramps and sidewalks using field visits supplemented by aerial photography. Many of these ramps and sidewalks do not meet ADA minimum requirements. The City of Portland is committed to making all curb ramp and sidewalk areas accessible to all pedestrians, including those with disabilities. This will be accomplished through the following programs:

- All new construction, reconstruction, roadwork construction or alterations, including federal projects under the control and/or inspection of the Department will be in compliance with the ADA;
- The City of Portland will have in place an annual sidewalk repair program of \$10,000;
- As roadway corridors are paved using Community Crossings Matching Grant funds, the ADA ramps and sidewalks will be upgraded as part of the

paving project. A summary of the inventory and recommendations is included in Appendix C.

- Missing or non-complaint sidewalk areas beyond the public right-of-way that connect private building and facility entrances to public streets and sidewalks may fall under other ADA guidelines. As such, these are outside the scope of this document. All public entrances owned by the City of Portland will be made ADA accessible.
- The Indiana Department of Transportation will be responsible and will cover all crosswalks and curb ramps on all corners directly adjacent to the state roads, including those curb ramps and crosswalks running parallel to a state road, for the purposes of this inventory.

The City of Portland has conducted an inventory of all City owned buildings. Most of the buildings need some ADA upgrades. Portland is committed to making all buildings accessible to all citizens, including those with disabilities. This will be accomplished through the following programs:

- All new construction, reconstruction, or alterations, including federal projects under the control and/or inspection of the Department will be in compliance with the ADA;
- Portland will have in place an annual building upgrade program. The city commits to spending \$1,000 a year for upgrading buildings;

#### **D. ADA STANDARDS SPECIFICATIONS AND DESIGN DETAILS:**

The standards are intended to apply to all construction undertaken within the City of Portland Rights-of-Way. The federal Public Rights-of-Way Accessibility Guidelines (PROWAG) together with the Indiana Department of Transportation (INDOT) design guidelines, standard drawings, and standard specifications will provide the key standards and guidelines for this plan. Other standards, if necessary, will be applied at the discretion of the ADA Coordinator.

Copies of the PROWAG and latest INDOT Standards for curb, curb ramp, and sidewalk construction are included in Appendix B.

## **E. IMPLEMENTATION**

The City of Portland intends to implement this Transition Plan effective the date of this document. Not only does the City of Portland commit to following the guidelines set forth in this Transition Plan, but it also commits to actively revising and amending this document as infrastructure is upgraded to ADA compliance. Further, as a matter of policy, this document will be updated at least every five years starting in 2022.